

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
LAREDO DIVISION

United States District Court
Southern District of Texas
FILED

SEP 04 2008 3B

Michael N. Milby, Clerk
Laredo Division

UNITED STATES OF AMERICA

v.

CRIMINAL NO. 05-2731Victor Manuel Valles-Velazquez

Defendant

WAIVER OF APPEAL

The defendant Victor Manuel Valles-Velazquez, in the above styled and numbered cause, hereby expressly waives the right to contest and/or appeal, either directly or collaterally, his/her guilty plea, conviction, sentence, and/or detention by means of ANY post-conviction proceeding whatsoever. Such waiver expressly includes, and Defendant expressly agrees not to file, ANY DIRECT and/or COLLATERAL attacks on the validity of Defendant's guilty plea, conviction, sentence, and/or detention pursuant to any statute, law, procedure, or Constitutional provision whatsoever, including, without limitation Title 18, U.S.C. § 3742 and Title 28, U.S.C. § 2255.

Defendant is aware that Title 28, U.S.C. § 2255, affords the right to contest or "collaterally attack" a conviction or sentence after the conviction or sentence has become final. Understanding this, Defendant agrees to waive the right to "collaterally attack" his/her conviction and/or sentence in any manner whatsoever, including Title 28, U.S.C. § 2255. Defendant is also aware that Title 18, U.S.C. § 3742 affords a defendant the right to appeal the sentence imposed and/or the manner in which such sentence was determined. Understanding this, Defendant agrees to waive the right to appeal the sentence imposed or the manner in which it was determined on any grounds whatsoever, including, without limitation, those set forth in Title 18 U.S.C. § 3742.

The Defendant further waives all defenses based on venue, speedy trial under the Constitution and Speedy Trial Act, and the statute of limitations with respect to any prosecution that is not time barred on the date that this Agreement is signed, in the event that (a) Defendant's conviction is later vacated for any reason, (b) Defendant violates any provision of this Agreement, or (c) Defendant's plea is later withdrawn.


In exchange for this waiver of appeal, the United States will recommend a ^{two (2)} ~~one (1)~~ level downward adjustment pursuant to the United States Sentencing Guidelines, Section 5K2.0.

SIGNED on this the 4 day of September, 2008


Defendant

DONALD J. DeGABRIELLE, JR.
United States Attorney

By:


Assistant United States Attorney
Southern District of Texas


Attorney for Defendant